

Minutes Board of Trustees Meeting May 13, 2014

The Board of Trustees of the Village of Cold Spring held their regular monthly meeting on Tuesday, May 13, 2014 at Village Hall, 85 Main Street, Cold Spring, NY beginning at 7:30 pm.

Attending: Mayor J. Ralph Falloon and Trustees: Stephanie Hawkins, Bruce Campbell, Michael Bowman and Cathryn Fadde

Also: Michael Liguori, Village Attorney; Anna Georgiou, Special Counsel; Chuck Voss, Planner; Ellen Mageean, Village Accountant

APPROVAL OF MINUTES

Trustee Fadde requested a change in the spelling of her first name in the 4/10/2014 and 4/15/2014 minutes. In the 4/15/2014 minutes, the vote of C. Fadde on Resolution #14-2014 should be changed to from yes to absent. Trustee Bowman moved to approve minutes of the 4/8/2014, 4/10/2014, 4/15/2014, 4/22/2014 and 4/29/2014 meetings, as amended, and seconded by Trustee Hawkins and unanimously approved.

FINANCIAL REPORT

- The accountant received the memorandum of agreement related to the police contract. The officers will receive retroactive pay from the beginning of the contract period of June 1, 2013. This payment will be paid to the officers with the payroll period ending on May 17, 2014. I anticipate that the total amount of the payment will be approximately \$4,000
- The six month contract for our supply of electric will end on June 18, 2014. The new price is .0899 cents per KWh fixed for 12 months. The current 12-month average for central Hudson is .08279, which includes some very high rates over the winter and a May rate of .03168. On May 1, 2014, the new "Energy Capacity Zone" which affects the mid-Hudson region went into effect. This new zone would require utilities to buy energy from producers within the zone during peak times. This would allow local energy generator to charge more for the electric. This could result in utility bills increasing 18% for business, if that increase is applied to the current 12 month average that would increase to .09770 cents per KWh. In order to receive the .0899 rate we have to notify Viridian by May 20, 2014.
- The Farmers' Market has received their tax exempt status and is now handling their own finances. We are holding approximately \$31K in the trust and agency account. I have submitted a voucher to the board to be approved at tonight's meeting in order to pay them this amount.

- All notices and paperwork for the new BAN have been completed. The interest rate on the new BAN is 1.25% with an effective rate of .9630%. The total amount of the new BAN is \$2,950,000.00 and will be issued on May 15, 2014. The existing BAN will mature on May 16, 2014.

Trustee Bowman moved to approve of proceeding with Viridian for electrical supply at a fixed rate of \$.0899 per KWH for a 12 month period and seconded by Trustee Fadde and unanimously approved.

Further discussion on escrow accounts was scheduled for May 20, 2014 and review of a draft tree ordinance was scheduled for May 27th.

WATER AND WASTEWATER

The annual drinking water quality report has been prepared and is off to print. Residents and property owners should receive it in the mail by month's end.

JUSTICE COURT

The Justice Court collected \$9,080 during the month of April 2014.

ADDITIONAL MONTHLY REPORTS

Recreation Commission- Trustee Campbell reviewed applications for use of Mayor's Park as follows: 5/31/2014 birthday party Ferreira, 8/9/2014 Clam Bake Cold Spring Fire Company, 6/14/2014 McVey picnic, 8/16/2014 Powell event, North Highlands Fire Company softball games Friday evenings. Trustee Campbell moved to approve all of the aforementioned applications and seconded by Trustee Bowman and unanimously approved.

CORRESPONDENCE

Michael Reisman submitted the **attached** correspondence on May 6, 2014 (after the close of public comment on the B-4A zoning) regarding the proposed local law amending Village Code Chapter 134(B-4A: Medical and Health Care Facility Mixed-Use District)

New York State Department of State is dedicating \$11.75 million in Environmental Protection Funds resources to advance community and waterfront revitalization priorities through the Consolidated Funding Application.

The following resolution was read in its entirety. A change was made correcting Paulding Street to Paulding Avenue.

RESOLUTION #18-2014

RESOLUTION APPROVING A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 134 BY AMENDING VILLAGE CODE SECTIONS 134-2, "DEFINITIONS," 134-3, "LISTING OF DISTRICTS," 134-4 "ZONING MAP" AND 134-15, "REGULATIONS FOR B-4 DESIGNATED MEDICAL, HEALTH CARE FACILITY DISTRICT"

WHEREAS, Butterfield Realty, LLC (“Butterfield”) has applied to the Village Board of Trustees to rezone its 5.7 acre parcel in the Village located near the intersection of Route 9D and Paulding Avenue (tax lot ID 49.5-3-45) , the former site of the Butterfield Hospital (“Premises”) for the purpose of redevelopment of the Premises; and

WHEREAS, the proposed local law enacts conditional zoning adding a new sub-district to the B4 Zoning District, the B-4A Zoning District (Medical and Health Care Facility Mixed Use District) and amends Chapter 134 and the Village’s Zoning Map (Section 134-4) to rezone the Premises; and

WHEREAS, the Zoning Map designation of the majority of the Premises will be changed from Zoning District B-4 to Zoning District B-4A (Medical and Health Care Facility Mixed Use District) and a small portion of the Premises along Paulding Avenue will be changed from Zoning District B-4 to R-1, conditioned upon approval of a site plan that substantially conforms to a Concept Site Plan prepared by Stephen Lopez, Landscape Architect (Tim Miller Associates Inc.), dated January 18, 2013 and last revised on May 6, 2013; and

WHEREAS, the Concept Site Plan contemplates a 15,000 square foot office/retail building located off Route 9D, a 17,500 square foot office/retail building and 55 market-rate condominium units designated for senior citizen housing to be contained within three buildings, with a resident community center which will join and link two of the condominium buildings. The Lahey Pavilion, consisting of 11,500 square feet, will continue its existing use as a medical office building. Three single family homes will be constructed along the northern portion of the Premises along Paulding Avenue on lots to be subdivided; and

WHEREAS, the new sub-district, B-4A Zoning District (Medical and Health Care Facility Mixed Use District), Section 134-15A, includes as permitted uses: up to 55 units of Senior Citizen Housing, municipal and other government uses, retail stores at street level, business and professional offices, banks, personal service shops, mixed uses, among other uses; and with minimum requirements, maximum permitted building height of 2½ stories (35 feet), and supplementary regulations as more fully set forth in said proposed local law; and

WHEREAS, the proposed local law also amends the definition of “Senior Citizen Housing” in Section 134-2 (B), “Definitions” so there is compliance with the “housing for older persons” exception from the federal Fair Housing Act, as amended (42 U.S.C. s.3607(b)(1)-(5)); and

WHEREAS, the Butterfield Redevelopment requires subdivision and site plan approvals by the Planning Board as well as approvals by other agencies, in addition to rezoning; and

WHEREAS, on February 19, 2014, the Planning Board as designated SEQRA Lead Agency adopted a Negative Declaration, determining the Butterfield Redevelopment will have no significant adverse environmental impacts; and

WHEREAS, after review and due consideration of the Planning Board’s recommendations set forth in the memorandum entitled “Planning Board Recommendations on Proposed Local Law, Amending Village Code Chapter 134 (B-4A-

Medical and Health Care Facility District))” the Board of Trustees has revised the proposed local law to reflect certain of those recommendations; and

WHEREAS, a duly noticed public hearing on the proposed local law was conducted on April 29, 2014, that was completed and closed on that same date, with notice and hearing requirements for the proposed local law as provided for in New York State law having been satisfied; and

WHEREAS, the Board of Trustees has fully considered the proposed local law and adopts the following findings:

1. The proposed local law is consistent with the Village of Cold Spring’s Comprehensive Plan, adopted on January 10, 2012. As outlined in the memorandum of Village Planning Consultant Charles Voss of Barton and Loguidice dated April 28, 2014 contained in the public hearing record and as further supported by testimony given at the April 29, 2014 public hearing, the following are among a few of the many goals, objectives and recommendations of the Comprehensive Plan that are supported by the Butterfield Redevelopment:
 - Preserve and enhance the small town, historic, neighborly, diverse and safe character of village life.
 - Protect the natural environment and conserve energy.
 - Enhance the economic vitality of the Village.
 - Ensure that community facilities and services meet the Village’s needs and are efficient and affordable.
 - Control the growth in property taxes.
 - Apply the vision, goals and objectives in the Plan to all new development within the Village.
 - Keep the U. S. Post Office in the Village of Cold Spring.
 - Integrate new development within the traditional Village setting.
 - Preservation of a substantial lawn ((67%) of existing lawn to be preserved) supports comprehensive plan goals related to open space preservation, enhancing recreational opportunities.
2. As determined by the Planning Board in Part 3 of the Environmental Assessment Form, the Butterfield Redevelopment is intended to be in conformance with the Comprehensive Plan by providing residential development and mixed uses to compliment the character of the existing Village. Design of the residential buildings is intended to be similar in architecture to the homes along Chestnut Street and Main Street and is intended to be in conformance with the criteria outlined in the Historic District Design Guidelines. Proximity of the senior housing to the existing residential area on Paulding Avenue, and in particular the creation of three single-family lots for homes to be situated on Paulding Avenue, will facilitate integration into the neighborhood. In addition, the site is to be designed and constructed to facilitate walkability and pedestrian connections to and from the downtown areas by improving existing sidewalks and creating new pedestrian amenities across the entire site such as foot paths, seating areas and bicycle amenities.

3. The Board of Trustees further recognizes that the Butterfield Redevelopment, as reflected in the proposed local law with annexed Concept Site Plan, resulted from the participation of Village officials, residents and consultants in a lengthy review process that considered various development schemes at numerous public meetings and a community charette. Accordingly the Butterfield Redevelopment is not only consistent with the Comprehensive Plan, it is also in harmony with the Village's overall commitment to addressing the need for senior housing and greater diversity of development in the Village.
4. Local law referral pursuant to New York State General Municipal Law §239-m to the Putnam County Department of Planning, Development, and Public Transportation, was approved as submitted on April 15, 2014.

NOW, THEREFORE BE IT resolved that in accordance with this rezoning resolution, the Board of Trustees hereby adopts the **annexed** local law to amend the Village of Cold Spring Code and Zoning Map; and

BE IT FURTHER RESOLVED that the following conditions shall apply:

1. The Butterfield Redevelopment is subject to site plan and subdivision approval by the Planning Board, among other approvals.
2. The Butterfield Redevelopment includes an age-restricted condominium. All condominium units shall be occupied by at least one person 55 years of age or older, with no residents under the age of 18, and compliance with additional requirements for such age-restricted housing consistent with local, State and Federal law is required. Compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval and Village Code 134-16G(3) (a) [8] shall apply to assure continued compliance with approval conditions.
3. Gateway Park, as designated on the Concept Site Plan and consisting of approximately 43,600 square feet, shall be an open lawn area. An access agreement or other arrangement to facilitate access to Gateway Park by Village residents shall be offered to the Village by Butterfield as part of the site plan review process.

Trustee Bowman moved for approval of the Resolution.

The motion was seconded by Trustee Campbell and upon being put to a vote, the vote was as follows:

In Favor: Mayor Falloon, Trustee Campbell, Trustee Bowman, Trustee Fadde
Opposed: Trustee Hawkins

Dated: May 13, 2014

APPROVAL OF BILLS

Trustee Hawkins moved to approve payment of the audited bill submitted by the Cold Spring Farmer's Market and seconded by Trustee Bowman and unanimously approved.

PUBLIC COMMENT

Joseph Patrick asked:

- a. Would RFP's be issued for video equipment.
- b. if there are new docking fees for the Seastreak
- c. difficult for residents to attend an 8am parking committee meeting

Kathleen Foley cautioned the board to have filming of board meetings owned and controlled by the municipality. She asked about the noise associated with solar compacting garbage receptacles.

Paul Henderson thanked the organizers of the open meetings law presentation.

Paul Guillaro of Butterfield Redevelopment thanked the Planning Board and the Village Board for adoption of the zoning amendment.

With no further comment, Trustee Bowman moved to adjourn and seconded by Trustee Fadde and unanimously approved.

Meeting adjourned at 9:00 pm.

Respectfully submitted,

Mary Saari, Village Clerk